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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,549	12/18/2000	Cheng-Jen Lin	3313-0249P-SP	1515

7590 01/23/2004
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Falls Church, VA 22040-0747

EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,549

Applicant(s)

LIN ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. (U.S. Patent no. 6,263,317).

Claims 1-17: Sharp et al. discloses the functionality of applicant's claimed invention.

Sharp et al. does not disclose some of the specific language and terminology used by applicant; however, it would have been obvious to one skilled in the art at the time the

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invention was made that the disclosures of Sharp et al. encompass the claimed aspects of applicant's invention. For example, Sharp et al. discloses:

- a computer system and method of operation thereof are provided that allow manufacturers and distributors of brand products to participate in the e-commerce marketplace without violating existing distribution channels. This is accomplished by providing a web based system where customers can place orders for brand name products and then allocating orders to manufacturers, distributors and retailers according to distribution channel protocols defined by the manufacturers. This ensures that sales of brand goods and services via the Internet does not violate existing distribution agreements between the manufacturers and their respective distributors and retailers. (Abstract)
- Using computer system 100, a customer using client computer 120 can access an e-commerce website hosted on server computer 110 via computer network 150. The e-commerce website allows the customer to select among a large assortment of products from different manufacturers. In some embodiments, the products sold through the e-commerce website relate to a particular market segment, such as extreme sports equipment and apparel. The e-commerce website allows the customer to place multiple orders for multiple products and/or services in a single session. The order includes both information about the product, such as manufacturer, model number and selected options, as well as information about the customer, such as name, address and credit information. Once the customer has entered and confirmed the order, a computer program executed on server computer 110 processes the order. The

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computer program allocates the order to a supplier of the product according to a distribution channel conflict resolution scheme specified by the manufacturer of the product. According to the distribution channel conflict resolution scheme, an order can be allocated either to the owner of the website, or to a distributor selected according to the protocol, or to the distributor for direct distribution. The term distributor is used herein to include distributors of a product at all levels in the distribution chain, including retailers. If the order is allocated to either a distributor or to the manufacturer, the order is transmitted to a distributor computer 140 or to a manufacturer computer 130 via a secure extranet communication link established over computer network 150. In order to be able to fill orders, the owner of the website may maintain a warehouse of products by various manufacturers, where the products are held on consignment on behalf of the manufacturer. (col. 3 lines 7-39)

- After the order is assigned, the product is shipped to the customer either from the warehouse maintained by the owner of the website 160, or from the distributor 170 or from the manufacturer 180, depending on the results of the order allocation process. (col. 3 lines 40-44)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Chelliah et al. (U.S. Patent No. 5710887) that discloses a system for facilitating commercial transactions, between a plurality of customers and at least one supplier of

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items over a computer driven network capable of providing communications between the supplier and at least one customer site associated with each customer. Each site includes an associated display and an input device through which the customer can input information into the system. At least one supplier is presented on the display for selection by the customer using the input device. Similarly items from a supplier can be displayed for the customer to observe. Associated with a supplier of such items is an item database including information on presented items. Pricing subsystem receives information from the item database to determine the cost associated with a presented item. In addition a customer information database stores information relating to the customer.

- Wojcik et al. (U.S. Patent No. 5666493) that discloses a system for managing customer orders using vendor supplied software systems interfaced on a real-time basis to touch the data in each system on a real time basis. In effect, there is horizontal communication between the various components of the system such as inventory, purchasing, order management and receipt, logistics and inventory to have continual data flow without using a vertical software interface. As a result, customer orders are received on a real-time basis using screens that are user friendly to promptly take orders, and to verify customer data and verify the ability to meet those orders.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT 
20 January 2004


Jeffrey A. Smith
Primary Examiner